

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action of March 19, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-17 are pending in the Application.

In the Final Office Action, claims 1-17 are rejected under 35 U.S.C. §102(e) over U.S. Patent No. 5,618,045 to Kagan ("Kagan"). This rejection of claims 1-17 is respectfully traversed. It is respectfully submitted that claims 1-17 are patentable over Kagan for at least the following reasons.

It is believed that the Examiner understood from prior discussion regarding the pending claims that the claim language "wherein said set of information items comprises connection-related information indicating locations of said modular units relative to one another as interconnected in a common game space" was intended to relate to physical locations however, the Final Office Action points out "that the claim language does not require the actual positions of the players to correspond to the relative positions of their respective virtual players in virtual space ..." (See, Final

Office Action, page 3.)

While the applicants object to this interpretation of the claims which should be read in terms of the disclosure of the application, nonetheless, in the interest of gaining consideration and allowance of the present invention, the Applicants have elected to amend the claims to clarify that which is recited in the claims. Particularly, the Applicants have amended the claims to clarify that emphasis added) "said set of information items comprises connection-related information indicating physical locations of said modular units relative to one another as interconnected in a common game space ..." These amendments to the claims are provided to place the application in condition for allowance and further place the claims in better form for appeal should such appeal be necessary, by reducing issues that may need be presented in appeal. No further search should be necessitated by these amendments to the claims as it was previously understood that the claims related to the physical location of the modular units. Accordingly, consideration and entrance of the claims as amended is respectfully requested.

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Kagan. For example, Kagan does not teach, disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis added) "determining a set of information items for at least one modular unit, wherein each information item individually relates to a specific modular unit in said sets; and wherein said set of information items represents competition-related information, and wherein said set of information items comprises connection-related information indicating physical locations of said modular units relative to one another as interconnected in a common game space" as recited in claim 1, and as similarly recited in each of claims 5, 6 and 7.

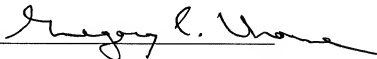
Based on the foregoing, the Applicants respectfully submit that independent claims 1, 5, 6 and 7 are patentable over Kagan and notice to this effect is earnestly solicited. Claims 2-4, and 8-17 respectively depend from one of claims 1, 5, 6 and 7 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims.

Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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